

103^D CONGRESS
2^D SESSION

S. 1947

To increase criminal penalties for health care fraud, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, FEBRUARY 22), 1994

Mr. KOHL introduced the following bill; which was read twice and referred to
the Committee on the Judiciary

A BILL

To increase criminal penalties for health care fraud, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health Care Anti-
5 Fraud Act of 1994”.

6 **SEC. 2. CRIMINAL PENALTIES FOR HEALTH CARE FRAUD.**

7 (a) OFFENSE.—Part I of title 18, United States
8 Code, is amended by inserting after chapter 50A the fol-
9 lowing:

1 **“CHAPTER 50B—HEALTH CARE FRAUD**

“Sec.

“1101. Health care fraud.

“1102. Definitions.

2 **“§ 1101. Health care fraud**

3 “(a) IN GENERAL.—Whoever, in or affecting inter-
4 state commerce, knowingly—

5 “(1) executes, or attempts to execute, a scheme
6 or artifice to defraud to obtain a health care pay-
7 ment; or

8 “(2) presents to any person any statement as
9 part of, or in support of, a claim for a health care
10 payment, knowing that such statement contains any
11 false or misleading information concerning any fact
12 or thing material to such claim;

13 shall be fined under this title or imprisoned not more than
14 10 years, or both.

15 “(b) AGGRAVATED OFFENSES.—In an offense under
16 subsection (a) of this section—

17 “(1) if the offender knowingly or recklessly
18 causes serious bodily injury to an individual or
19 knowingly or recklessly endangers the life of a per-
20 son, the offender shall be fined under this title or
21 imprisoned not more than 15 years, or both; and

22 “(2) if the offender knowingly or recklessly
23 causes the death of an individual, the offender shall

1 be fined under this title or imprisoned not more
2 than 25 years, or both.

3 **“§ 1102. Definitions**

4 “As used in this chapter—

5 “(1) the term ‘health care payment’ means a
6 payment for health care services or health care prod-
7 ucts, or the right to have a payment made by a third
8 party payer for specified health care services or
9 products; and

10 “(2) the term ‘third party payer’ means any
11 person, public or private, who undertakes to indem-
12 nify another against loss arising from a contingent
13 or unknown event.”.

14 (b) CLERICAL AMENDMENT.—The table of chapters
15 at the beginning of part I of title 18, United States Code,
16 is amended by inserting after the item relating to chapter
17 50A the following new item:

“50B. Health care fraud 1101.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect January 1, 1995.

20 **SEC. 3. IDENTIFICATION OF COMMUNITY SERVICE OPPOR-**
21 **TUNITIES.**

22 (a) IN GENERAL.—Chapter 50B of title 18, United
23 States Code, as added by section 2, is amended by insert-
24 ing after section 1102 the following new section:

1 **“§ 1103. Identification of community service oppor-**
2 **tunities**

3 “The Attorney General shall—

4 “(1) in consultation with the Secretary of
5 Health and Human Services and State and local
6 health care officials, identify opportunities for the
7 satisfaction of community service obligations that a
8 court may impose upon the conviction of an offense
9 under section 1101 or an offense under section
10 1128B of the Social Security Act (42 U.S.C. 1320a–
11 7b), and

12 “(2) make information concerning such oppor-
13 tunities available to Federal and State law enforce-
14 ment officers and State and local health care offi-
15 cials.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for such chapter 50B is amended by adding at the end
18 the following new item:

“1103. Identification of community service opportunities.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on January 1, 1995.

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